

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ANTHONY TELLIS, ET AL

CIVIL ACTION NO. 18-cv-541

VERSUS

JUDGE ELIZABETH E. FOOTE

JAMES M LEBLANC, ET AL

MAGISTRATE JUDGE HORNSBY

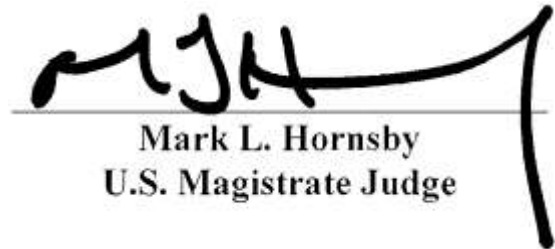
MEMORANDUM ORDER

Before the court is **Plaintiffs' Motion to Compel Second Set of Remedy Phase Discovery Responses (Doc. 578-1)**. The motion concerns whether Plaintiffs have violated the parties' agreement that each party could propound only 35 requests for production of documents during the remedy phase.

In September of last year, Plaintiffs propounded 20 requests for production of documents. In April of this year, Plaintiffs propounded an additional 15 requests for production. Defendants objected to this second set of discovery on the basis that the total number of requests propounded, including subparts, far exceeds 35. Defendants argue that in the first set of requests for production of documents, 19 of the requests could be considered singular, but one of the requests, RFP 2R, has 53 subparts. That particular request for production seeks all medical and other records of 53 offenders. Defendants state that they have produced the information sought in RFP 2R, and they have continued to supplement that production. It was not until Plaintiffs tendered an additional 15 requests that Defendants objected to the number of subparts.

Plaintiffs' motion to compel is **granted**. The court considers that RFP 2R is properly counted as only one request for production of documents. Doing otherwise would violate the spirit of the parties' agreement and unfairly hamper Plaintiffs' right to discovery in the remedy phase of this class action proceeding. Moreover, Defendants admit that they are complying with RFP 2R. Defendants waived any right to complain about RFP 2R when they responded.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 23rd day of May, 2022.



Mark L. Hornsby
U.S. Magistrate Judge